

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

C.A. No. 04-30177-KPN

JOEL PENTLARGE,

Plaintiff,

vs.

ROBERT MURPHY, et al.,

Defendants.

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION
TO ORDER THE DEFENDANTS TO REPAIR THE HEAT AND LEAKING ROOF

The plaintiff joel Pentlarge moves that the court enter preliminary injunction enjoining the defendants Kathleen Dennehy, Commissioner of the Massachusetts Department of Correction, Robert Murphy, Superintendent of the Nemansket Correctional Center, and the Massachusetts Department of Correction from failing to:

1. Repair the insufficient heat in Unit A-2 of the Nemansket Correctional Center within 24 hours; and
2. Repair the leaking roof in Unit A-2 within 30 days.

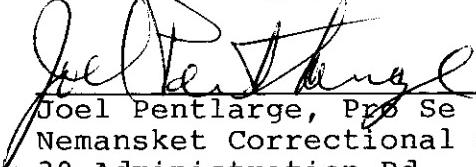
The facts on which the plaintiff bases this claim for a preliminary injunction are set out in the Second Supplemental Complaint, which is verified. There is no material dispute as to these facts.

The plaintiff is likely to succeed on merits of these two claims for relief. The plaintiff has suffered and will continue to suffer irreparable harm as a result of the violation of his substantive due process rights under the Fourteenth Amendment to the United States Constitution, and violation of the minimum standards of fitness for human habitation set out in 105 CMR

410.00 et seq. If the injunctive relief requested is granted the hardship to the defendants will either be negligible or at most will require the defendants to do that which they have a clear legal obligation to do in any event.

Granting the injunctive relief requested will be in the public interest, because it is always in the public interest to uphold Constitutional rights and to enforce the minimum standards of fitness for human habitation.

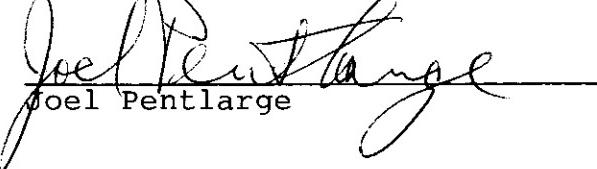
Joel Pentlarge, Plaintiff


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Certificate of Service

I, Joel Pentlarge, state under the pains and penalties of perjury that I have served a copy of the foregoing Plaintiff's Motion for a Preliminary Injunction to Order the Defendants to Repair the Heat and Leaking Roof by DOC mail on Attorney Mary Murray, Natalya Pushkina and Deborah O'Donnell, and by first class mail on Attorney General Thomas Reilly, One Ashburton Place, Boston, MA 02108.

November 30, 2004


Joel Pentlarge